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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,829	09/29/2000	Cathal McGloin	P65973US0	2975
136	7590	05/22/2006	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			LE, LINH GIANG	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/672,829	MCGLOIN ET AL.
Examiner	Art Unit	
Linh-Giang Le	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 29 September 2000.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 17-36 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 17-36 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 29 September 2000 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All   b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. 990665.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11232005.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date.       .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other:       .

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 November 2005 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoover (5,560,005) in view of Hollingsworth (6,157,808).

4. As per claim 17, Hoover teaches a computer system, comprising:  
an employee setup mechanism to create a database record for an employee  
(Hoover; Col. 5, lines 35-45 and Figs. 2-3);

a data receive mechanism to receive data units from a given source and to store the received data units, the received data units as stored being associated with plural data unit types (Hoover; Col. 5, lines 50-51 and Figs. 2-3 and 6-9);

a metric name input presenter preconfigured to present, on a computer screen, a metric name input field to receive from user input a flexible textual character term coining a name for a custom performance metric to be defined (Hoover; Col. 5, lines 45-65 and Figs. 2-3 and 6-9);

a data user type input presenter preconfigured to present, on a computer screen, data unit type input fields corresponding to the new performance metric, to receive from user input selected type terms indicating select ones of the plural data unit types to be collected and used to formulate the custom performance metric (Hoover; Col. 5, lines 45-65 and Figs. 2-3 and 6-9);

an operator input presenter preconfigured to present, on a computer screen, an operator input field to receive from user input at least one defined mathematical operation to be performed on received and stored data units associated with the selected type terms in the formulation of the custom performance metric (Hoover; Col. 6, lines 15-40 and Figs. 2-3 and 6-9); and

a data association mechanism to associate the textual character term with the selected types and with the at least one defined mathematical operation (Hoover; Col. 6, lines 15-40 and Figs. 2-3 and 6-9).

5. As per claim 18-20 Hoover does not expressly teach:

wherein the data receive mechanism comprises an integration engine;  
wherein the data receive mechanism comprising an integration engine and a performance management system database;  
wherein the data receive mechanism includes one or more application programming interfaces and an integration engine;

However this is well known in the art as evidenced by Hollingsworth. In particular, Hollingsworth teaches an integration and management processing system (Hoover; Abstract). It would have been obvious to add this integration feature of Hollingsworth to the Hoover system with the motivation creating a more efficient system (Hoover; Abstract).

6. As per claim 21-26, Hoover does not expressly teach:

wherein the given source includes a source database;  
wherein the given source further includes a structured database of workforce manager that can produce reports on employee performance;  
wherein the given source comprises a source database of a third party system;  
wherein the received data units are stored in a performance management database;  
wherein the received data units are stored in a structured manner using one or more application programming interfaces;  
wherein the received data units are received in flat-file reports.

7. However this is well known in the art as evidenced by Hollingsworth. In particular, Hollingsworth teaches a tool that supports the efficient management of employee development, training, and performance improvement

(Hollingsworth; Col. 3, lines 6-16). It would have been obvious to one of ordinary skill in the art to add these features to the Hoover system with the motivation of having a tool that enables delivery of consistent, high quality, job related instruction and support record keeping requirements (Hollingsworth; Col. 1, lines 9-16).

8. As per claims 27-34 Hoover teaches:

wherein the data configuration user interface comprises a configuration functions mechanism and a user interface (Hoover; Figs. 20-27);

wherein the data configuration user interface comprises a graphical user interface(Hoover; Figs. 20-27);

wherein the graphical user interface comprises a Windows<sup>TM</sup> based interface (Hoover; Figs. 20-27);

further comprising a performance data user interface to receive performance data from personnel within an organization (Hoover; Figs. 1-6);

wherein the performance data user interface comprises an information management function mechanism and a user interface (Hoover; Figs. 7-27);

wherein the performance data user interface comprises a graphical user interface (Hoover; Figs. 20-27);

wherein the graphical user interface includes an HTML user interface (Hoover; Figs. 20-27);

wherein the performance data user interface receives performance data provided in real time via an HTML user interface in response to a request (Hoover; Figs. 20-27).

9. Claims 35 and 36 repeat limitations of claims 17-34 and the reasons for rejection are incorporated herein.

***Double Patenting***

10. The obviousness-type double patenting rejection has been withdrawn.

***Response to Arguments***

11. Applicant's arguments with respect to claim 16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Linh-Giang Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8:30 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LLe

  
C. LUKE GILLIGAN  
PATENT EXAMINER